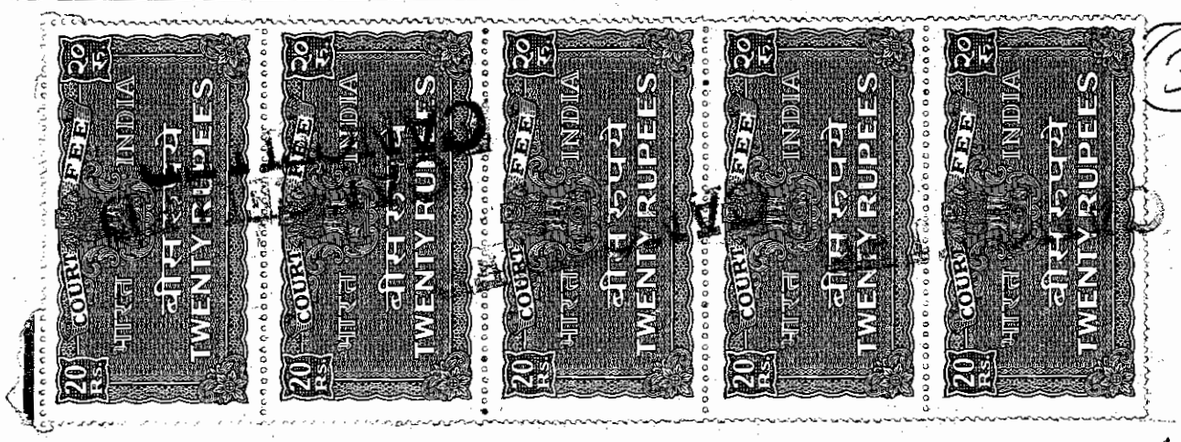

(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR.

W.P.No. 122 of 2000

PETITIONER : Ku.Suchitra Das D/o Late Nandlal Das, aged about 62 years, Retired Education Officer, Municipal Corporation, Raipur Resident of Raipur Tahsil and District Raipur.

VERSUS

RESPONDENTS :
(1) Municipal Corporation,Raipur through The Commissioner, Municipal Corporation,Raipur Tahsil and Distt. Raipur

(2) Mayor-in-Counsil, Municipal Corporation, Raipur Tahsil & Distt. Raipur

(3) The Commissioner, Municipal Corporation,Raipur Tahsil and Distt. Raipur.

NOTARY
I. C. TIWARY
NOTARY (ADVOCATE)
Raipur Distt.
BILASPUR (M.P.) INDIA
Regd.No.-M.P.
GOVERNMENT OF INDIA.

PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUE OF AN APPROPRIATE WRIT OR ORDER OR DIRECTION IN THE NATURE OF WRIT ETC.

50

HIGH COURT OF CHHATTISGARH AT BILASPUR
W. P. No. 122/2000

Petitioner — Ku. Suchitra Das

Versus

Respondents — Municipal Corporation, Raipur & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri S.K. Beriwal, counsel for the petitioner.

Shri Ashish Shrivastava, counsel for the respondents.

ORDER

(31st August, 2006)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner, who was working as Education Officer with the Municipal Corporation, Raipur, retired on superannuation on 31.1.1998.

2. Learned counsel appearing for the petitioner submits that under the provisions of the Madhya Pradesh Civil Services (Pension) Rules, 1976, the petitioner ought to have been paid retiral dues within a reasonable time. The petitioner was paid his all retiral dues on 6.1.2003.

3. According to learned counsel for the petitioner, if the payment of retiral dues is not made within a reasonable time, the pensionary employee is entitled to interest at commercial rate.

(51)

4. Learned counsel appearing for the respondents, per contra, submits that there is no provision for payment of interest under the law. However, in the facts and circumstances of the case when the petitioner has been denied the benefit of pension for a long time of 5 years, applying the principles of restitution, the petitioner is entitled to interest as per bank rate payable in savings account.

5. Accordingly, the petitioner is granted interest at the rate of 6%. The respondents are directed to calculate the interest at the rate of 6% for delayed payment and make the payment within a reasonable period of two months from the date of receipt of a copy of this order.

6. The writ petition is allowed to the above extent. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu